

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

EDWIN ROJAS, )  
Plaintiff, )  
vs. ) No. 16-cv-02982  
X MOTORSPORT, INC., OFFICER )  
BANASZEWSKI #333, UNKNOWN )  
VILLA PARK POLICE OFFICERS and )  
THE VILLAGE OF VILLA PARK, )  
Defendants. )

The deposition of MAGALIA ROJAS, called for examination pursuant to Notice and pursuant to the Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Michael R. Urbanski, Certified Shorthand Reporter and a Notary Public within and for the County of McHenry and State of Illinois, at 111 West Washington Street, Suite 1611, Chicago, Illinois, on August 11, 2016, commencing at the hour of 12:36 p.m.

1 APPEARANCES:

2 THE BLAKE HORWITZ LAW FIRM, LTD.

3 BY: MR. BLAKE HORWITZ and MR. KHALID HASAN

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10 Representing Officer Banaszewski ;

11 MARASA LEWIS

12 BY: MS. JILL B. LEWIS

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Chicago, Illinois 60601

14 (312)345-7230,

Representing X Motorsport.

15  
16  
17 Also Present:

18  
19 Mr. Edwin Rojas

20  
21  
22  
23  
24

I N D E X

| WITNESS:                                | PAGE |
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E X H I B I T S

| Number          | For Identification |
|-----------------|--------------------|
| None so marked. |                    |

C E R T I F I E D Q U E S T I O N S

After the incident at the car dealership  
on January 23rd, 2016, did any physician  
change the dosages of the medications that  
you took, Lexapro, Risperdal or Lorazepam?

Do you know where your psychiatrist's  
office is located?

Do you remember what your psychiatrist  
told you after you told him about the  
incident?

(Interpreter sworn.)

ALEX GAITAN,

called as an interpreter herein, was sworn to interpret the questions from the English language to the Spanish language and the answers from the Spanish language to the English language.

(Witness sworn.)

MAGALIA ROJAS,

having been called as a witness herein, after having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY

MS. HARRINGTON:

Q. Ma'am, can you state your full name for the record, please.

A. My full name is Magalia Rojas.

Q. Have you ever had to give a deposition before?

A. No.

Q. As you can see, there's a court reporter here who's going to take down my words and your words so when you respond, please respond in word format. You can't shake your head yes or no like that or uh-huh or uhn-uhn. You need to use words. Okay?

1 A. That's fine.

2 Q. If you don't understand a question, please let  
3 me know. Otherwise I'm going to assume you understood a  
4 question if you answer it.

5 A. That's very good.

6 Q. What is your date of birth?

7 A. January 3rd of '56.

8 Q. And do you live at 122 West Schubert Avenue,  
9 Glendale Heights?

10 A. Yes.

11 MR. HORWITZ: Just do preliminaries. I'll be right  
12 back.

13 BY MS. HARRINGTON:

14 Q. How long have you lived at that address?

15 A. Maybe three years.

16 Q. Do you work?

17 A. No.

18 Q. Have you worked outside of the home?

19 A. Yes.

20 Q. When was the last time you worked outside of  
21 the home?

22 A. I don't remember any more.

23 Q. Why don't you work?

24 A. I am disabled.

1 Q. What kind of disability do you have that  
2 prevents you from working?

3 A. It's psychological. It's depression.

4 Q. How long have you been disabled?

5 A. I don't remember but it's been about three  
6 years since I've been disabled.

7 Q. Are you taking any medications today?

8 A. Yes.

9 Q. What medications have you taken today?

10 A. Lexapro -- Lorazepam.

11 Q. You're here today because the lawsuit has been  
12 filed regarding an incident at a car dealership known as  
13 X Motorsports.

14 Do you understand that?

15 A. Yes.

16 Q. According to your complaint the incident  
17 happened on January 23rd, 2016.

18 Do you understand that?

19 A. Yes.

20 Q. Were you on any medications on January 23rd,  
21 2016?

22 A. Yes. I've always been under medication.

23 Q. Can you tell me what medications you would  
24 have taken on January 23rd, 2016?

1           A.     I take three types of medication. Lexapro,  
2     Risperdal, and Lorazepam.

3           Q.     And did you take Lexapro on January 23rd,  
4     2016, before going to the car dealership?

5           A.     I had not taken it at the moment.

6           Q.     When did you normally take your medication?

7           A.     Normally I take them at night to wake up in  
8     the morning.

9           Q.     Would you have taken your medications, the  
10    Lexapro, the Risperdal and Lorazepam then the evening of  
11    January 22nd?

12          A.     No. I take them before I go to bed.

13          Q.     Then is it fair to say you would have taken  
14    the medications that you listed, Lexapro, Risperdal and  
15    Lorazepam on January 22nd, 2016, before you went to bed?

16          A.     Before I went to bed, yes.

17          Q.     And did you take those same medications last  
18    night before you went to bed?

19          A.     Yes.

20          Q.     After the incident at the car dealership on  
21    January 23rd, 2016, did any physician change the dosages  
22    of the medications that you took, Lexapro, Risperdal or  
23    Lorazepam?

24

1 MR. HORWITZ: Don't answer that question. Next  
2 question.

3 We're not claiming psychiatric injuries.  
4 It's a garden variety injury. Getting into her  
5 psychiatric state beyond what you have done would go  
6 beyond the garden variety claim -- garden variety  
7 claim of damages as it is construed in the case law.

8 I specifically provided you garden variety  
9 language in the answers to interrogatories and we're  
10 sticking with garden variety.

11 There's a bunch of case law on it and in  
12 essence that would be going beyond the purview of garden  
13 variety.

14 MS. HARRINGTON: We'll note the objection. We'll  
15 show it as certified.

16 BY MS. HARRINGTON:

17 Q. Did you understand the question that I asked?

18 MR. HORWITZ: You don't have to answer the question  
19 because I have explained to her the law in my opinion  
20 and it's not necessary for you to answer that question.

21 BY MS. HARRINGTON:

22 Q. Are you going to follow the instructions of  
23 your attorney not to answer the question?

24 A. I'm going to follow the instructions of my

1 attorney.

2 Q. Have you ever been convicted of a misdemeanor  
3 involving dishonesty?

4 A. Never.

5 Q. Have you been convicted of any felony?

6 A. Never.

7 Q. How long have you lived in the United States?

8 A. I do not remember exactly but over 30 years.

9 Q. How many children do you have?

10 A. Three.

11 Q. What are their names and ages?

12 A. Alex, 28, 29, around there. Evelyn, 25, 26.

13 Edwin, 24.

14 Q. Do you have an address for Alex?

15 A. No.

16 Q. Do you know what town Alex lives in?

17 A. No.

18 Q. Have you been to Alex's home?

19 A. No.

20 Q. Do you know who Alex lives with?

21 A. No.

22 Q. Have you ever spoken to the person Alex lives  
23 with?

24 A. No. He's very independent from me.

1 Q. When is the last time you spoke to Alex?

2 A. About a month ago.

3 Q. And did you speak to Alex in person or on the  
4 phone?

5 A. He calls me on the phone whenever he feels  
6 like he wants to talk to me.

7 Q. When is the last time that you have seen Alex?

8 A. I have not seen him lately.

9 Q. When is the last time you have seen him?

10 A. It was about six weeks ago.

11 Q. Where were you when you last saw Alex?

12 A. I was at my house.

13 Q. Do you know if Alex has a job?

14 A. I do not know.

15 Q. Do you know what kind of work Alex does?

16 A. No, Alex doesn't provide information to anyone  
17 about his life.

18 Q. When was the last time Alex lived with you?

19 A. It was three years ago that he lived at the  
20 house to stay with us.

21 Q. Was Alex at your house on January 23rd, 2016,  
22 when you went to the car dealership with your son Edwin?

23 A. No. No. It was just him and me.

24 Q. Can you tell me how did you end up going to

1 the car dealership on January 23rd, 2016?

2 A. No, it was pretty bad, I was crying, my legs  
3 were shaking.

4 Q. What I want to know, though, is how it was --  
5 how the arrangements were made that it was you who ended  
6 up going to the dealership with Edwin.

7 A. He set it up because I don't speak English.

8 Q. Did Edwin ask you to go with him to the  
9 dealership?

10 A. Yes.

11 Q. When did Edwin ask you to go to the dealership  
12 with him?

13 A. He always invites me to come along everywhere  
14 where he goes.

15 Q. Did he invite you to go with him that day or  
16 another day?

17 A. No. He just told me, hey, you want to come  
18 along. I'm going to run an errand.

19 Q. Can you tell me what time it was when you and  
20 Edwin left to go to the car dealership?

21 A. I do not remember.

22 Q. When you and Edwin left for the car  
23 dealership, what vehicle did you drive?

24 A. In my car.

1 Q. Why did you drive your car?

2 A. He was driving.

3 Q. But why was your car used to drive to the  
4 dealership?

5 A. Because he did not have a car.

6 Q. How did Edwin get to your house on  
7 January 23rd, 2016, before you went to the car  
8 dealership?

9 A. I picked him up at the train.

10 Q. What train did you pick him up at?

11 A. At Villa Park.

12 Q. Do you know what time the train came in?

13 A. No. No. I was not checking the time.

14 Q. Do you know where Edwin would have gotten on  
15 the train?

16 A. No.

17 Q. Do you know -- well, can you tell me if you  
18 picked Edwin up from the train in the morning,  
19 afternoon, evening?

20 A. It was around, you know, noon. I don't  
21 remember exactly.

22 Q. But you feel -- is your recollection that it  
23 was around noon?

24 MR. HORWITZ: I think she just answered that

1 question already clearly.

2 THE INTERPRETER: I'm sorry, can I have the  
3 objection.

4 (Whereupon, the record was read as  
5 follows: I think she just  
6 answered that question already  
7 clearly.)

8 MS. HARRINGTON: The question is pending.

9 A. I'm sorry, what was the question you said?

10 MS. HARRINGTON: Could you read that back.

11 (Whereupon, the record was read as  
12 follows: But you feel -- is your  
13 recollection that it was around  
14 noon?)

15 A. I don't remember many things, sometimes I  
16 forget.

17 BY MS. HARRINGTON:

18 Q. Do you have any recollection of what time you  
19 picked -- what time of day you picked Edwin up from the  
20 train?

21 MR. HORWITZ: This is the third time the question  
22 has been asked. This will be the last time.

23 A. I picked him up between 12:30 and 1:00 because  
24 he told me that we were going to go to the dealer.

1 BY MS. HARRINGTON:

2 Q. After you picked up Edwin from the train in  
3 Villa Park, where did you go immediately after picking  
4 him up?

5 A. From the train station we went directly home.

6 Q. And when you say you went directly home, are  
7 you referring to your address of 122 West Schubert?

8 A. Yes.

9 Q. When you and Edwin returned home to the  
10 122 West Schubert address, was anyone else at the home?

11 A. No.

12 Q. Did anyone else arrive at the home before you  
13 and Edwin left the home?

14 A. No.

15 Q. Did you know where the vehicle was that Edwin  
16 had purchased from X Motorsports on January 23rd, 2016?

17 A. No.

18 Q. Did you ever -- did you ever ask Edwin where  
19 the vehicle was that he purchased from X Motorsports  
20 before you went to the dealership on January 23rd, 2016?

21 A. No, because we don't -- we don't talk much.  
22 He had worked a lot so it was pretty rare, no.

23 Q. If you know, had Edwin worked on January 23rd,  
24 2016, before you picked him up at the train?

1           A.     Yeah, he had worked but he asked to leave  
2 early.

3           MS. HARRINGTON:   Blake, I think it's about that  
4 time.

5           MR. HORWITZ:    Okay.

6           MS. HARRINGTON:   If you want to take a break here  
7 and we'll come back in about a half hour?

8           MR. HORWITZ:    Yep.

9                               (Whereupon, a recess  
10                              was taken.)

11          BY MS. HARRINGTON:

12           Q.     Do you know where your son Edwin was working  
13 on January 23rd, 2016?

14           A.     Edwin works here downtown. I don't know  
15 exactly where.

16           Q.     Do you know who he works for?

17           A.     Yes, I do. He works for AT&T.

18           Q.     And on the day of January 23rd, 2016, he was  
19 working downtown Chicago at an AT&T store?

20           A.     Yes. I don't know.

21           MRS. MAGALIA ROJAS: I don't know.

22           A.     I don't know.

23           MR. HORWITZ:    Okay. So --

24           MRS. MAGALIA ROJAS: I forgot.

1 MR. HORWITZ: It's very, very, very important to  
2 guess about nothing. If you think you're guessing about  
3 anything, let us know. You don't have to know the  
4 answer to any questions. Please make sure you don't  
5 guess.

6 A. Yes, he was working.

7 BY MS. HARRINGTON:

8 Q. Do you know where he was working?

9 A. At the AT&T company.

10 Q. And do you know where the AT&T store that he  
11 was working at, where that was located?

12 A. I only know it's on Michigan.

13 Q. Okay. But in downtown Chicago?

14 You got to say it out loud, words.

15 A. Yes.

16 Q. And when you picked up Edwin from the train on  
17 January 23rd, Edwin had been working downtown Chicago at  
18 his job at AT&T; is that correct?

19 A. Yes.

20 Q. You said that you picked Edwin up from the  
21 train station and returned to your home at 122 West  
22 Schubert, correct?

23 A. Yes.

24 Q. When you and Edwin returned to your home at

1 122 West Schubert, what did you do at the home?

2 A. I don't remember.

3 Q. Can you tell me how long you and Edwin stayed  
4 at your home after you picked him up from the train  
5 station?

6 A. What happens is that I go into my room and I  
7 don't know about time any more.

8 Q. After you picked up Edwin and returned to your  
9 house, did you go into your bedroom?

10 A. In my bedroom.

11 Q. And did you go into your bedroom by yourself  
12 to lay down or do what?

13 A. No, I just watch TV.

14 MR. HORWITZ: Excuse me, do you remember what you  
15 did at that moment in time on that day?

16 MS. LEWIS: Excuse me, she's answering the  
17 questions. Why are you interjecting? That's improper.

18 MR. HORWITZ: Because I think she's engaging in  
19 guesswork.

20 Do what you want to do.

21 (Witness speaking in Spanish to  
22 Mr. Horwitz.)

23 MR. HORWITZ: I'm just asking if you actually  
24 remember.

1 MS. LEWIS: I object to this.

2 MR. HORWITZ: It's fine. Your objection is noted.

3 A. To be honest, there are a lot of things I no  
4 longer remember.

5 MR. HORWITZ: It's very, very important that you do  
6 not guess. You don't have to know the answer to a  
7 question all because it's being asked.

8 MS. LEWIS: You already said that. I'm sure she  
9 comprehended that the first time.

10 MR. HORWITZ: She's being educated because of  
11 her --

12 MS. LEWIS: You already educated.

13 MR. HORWITZ: Stop it.

14 MS. LEWIS: You stop it. Done. I'm done with you.

15 MR. HORWITZ: Let's go.

16 (The witness and Mr. Edwin Rojas  
17 left the room.)

18 MR. HORWITZ: Don't interrupt me when I'm talking  
19 to my client. It's disrespectful.

20 MS. LEWIS: You've already made us wait here an  
21 hour.

22 MR. HORWITZ: Do what you want to do. Leave.  
23 Good-bye.

24 MS. LEWIS: You want to pay me?

1 MR. HORWITZ: Go, go. Do what you want to do.  
2 We'll be back in a couple minutes.

3 MS. LEWIS: You're rude, rude, rude.

4 (Whereupon, a brief recess  
5 was taken.)

6 MR. HORWITZ: We're back.

7 MS. HARRINGTON: Mike, what was the last question,  
8 please.

9 (Whereupon, the record was read as  
10 follows: And did you go into  
11 your bedroom by yourself to lay  
12 down or do what?

13 A. No, I just watch TV.)

14 BY MS. HARRINGTON:

15 Q. Ms. Rojas, do you have a recollection of what  
16 you did after picking up your son from the train station  
17 and returning to your home?

18 A. I don't remember anything.

19 Q. Can you tell me how long you stayed at your  
20 home before you -- well, let me ask you this -- strike  
21 that.

22 When you -- after you returned to your  
23 home with Edwin from this train station, where is the  
24 next place you went from your home?

1 A. To the dealer.

2 Q. Can you tell me how long you were at your  
3 house before you left to go to the dealership?

4 A. No. I don't remember.

5 Q. Can you tell me any conversations that you had  
6 with your son Edwin from the time that you picked him up  
7 from the train station until you left your house for the  
8 dealership?

9 A. No.

10 Q. Did you ask your son where the vehicle was  
11 that he purchased from X Motorsports?

12 A. Yes.

13 Q. And what was his response?

14 A. He just told me, you just calm down.

15 Q. When did you ask him about where the vehicle  
16 was?

17 A. Yeah, I don't ask my kids because I don't get  
18 involved in their private lives.

19 Q. Well, you just told me that you did ask so let  
20 me clarify this.

21 Before you went to the dealership on  
22 January 23rd, 2016, with Edwin, did you ask your son  
23 where the car was that he purchased?

24 A. Yeah. I already said that he told me for me

1 not to worry.

2 Q. Did you know that the vehicle was at a  
3 mechanic shop?

4 A. Yeah, I did not know nothing because I don't  
5 get informed about anything.

6 Q. Did you have any information about the  
7 mechanical condition of the vehicle before you went to  
8 the dealership?

9 A. Yeah, that I knew because I knew it was not  
10 working because he asked me for a ride.

11 Q. When did your son ask you for a ride?

12 A. I don't remember.

13 Q. When you say he asked you for a ride, are you  
14 saying he asked you for a ride to the dealership or  
15 somewhere else?

16 A. To go to the dealer.

17 Q. How far is the train station from your house?  
18 How long does it take to drive?

19 A. About 15 minutes.

20 Q. How long does it take to drive to the  
21 dealership from your house?

22 A. Around the same time. It's close by.

23 Q. And did Edwin ever discuss with you before you  
24 went to the dealership why he needed to go to the

1 dealership on that day?

2 A. No. He just told me -- he just asked me if I  
3 could come along. That's it.

4 Q. So when you drove your son Edwin to the  
5 dealership on January 23rd, 2016, you did not know that  
6 he was seeking to get his down payment back?

7 A. Yes.

8 Q. The only information that you had going to the  
9 dealership is that your son just asked you to come  
10 along?

11 A. That was the only thing he said to me.

12 Q. And for I think everyone's benefit, you need  
13 to let him say the whole question to you, okay, before  
14 you start answering, okay?

15 A. That's fine.

16 Q. Who drove your car to the car dealership?

17 A. He did.

18 Q. Meaning Edwin? Is that a yes?

19 A. Yes, Edwin.

20 Q. And do you recall having any conversations  
21 with Edwin from -- in driving in the car from your house  
22 to the dealership?

23 A. No.

24 Q. When you were at home after you picked up

1 Edwin from the train station, did you -- do you recall  
2 having any phone calls with anyone while you were at  
3 home before you left for the dealership?

4 A. No.

5 Q. And it's my understanding you don't have a  
6 house phone, is that right, just cell phones?

7 A. Yes.

8 Q. And what is your cell number?

9 A. The area code is 708-228-4968.

10 Q. And who is your cell phone carrier?

11 A. T-Mobile.

12 Q. Can you tell me what time you arrived at the  
13 car dealership?

14 A. Between 6:30 and 7:00.

15 Q. Was there any sunlight or had the sun set?

16 A. To be honest, I don't remember.

17 Q. When you arrived at the dealership, can you  
18 tell me if you saw anyone that appeared to be a customer  
19 kind of walking around the lot looking at any vehicles,  
20 things of that nature?

21 A. I don't remember.

22 Q. Can you tell me where the vehicle you were  
23 riding in was parked?

24 A. On the street.

1 Q. On what street?

2 A. On a street that's between North and -- I  
3 don't really remember.

4 Q. Were you parked in the parking lot of the  
5 dealership?

6 MRS. MAGALIA ROJAS: No, dealer, no.

7 MS. HARRINGTON: You have to let him translate,  
8 okay.

9 THE INTERPRETER: Sorry, what was the question?

10 (Whereupon, the record was read as  
11 follows: Were you parked in the  
12 parking lot of the dealership?)

13 A. No.

14 BY MS. HARRINGTON:

15 Q. So your recollection is that the vehicle you  
16 came in was parked on a street; is that correct?

17 Is that yes?

18 A. Yes.

19 Q. And once the vehicle was parked, what's the  
20 next thing that you did?

21 A. I went with my son directly to the  
22 dealership's office.

23 Q. Before you entered the dealership building,  
24 did you or your son speak to anyone?

1           A.     I did not speak to anyone. He didn't speak to  
2 anyone. He went right into the office and talked to the  
3 appropriate person.

4           Q.     Can you tell me where or how you entered the  
5 building, from what side or what door?

6           A.     No.

7           Q.     Do you remember if it was a single door or a  
8 double door that you entered through?

9           A.     No.

10          Q.     Can you tell me if you entered from this --  
11 either the sides of the building or the front of the  
12 building?

13          A.     Through the front.

14          Q.     Once you entered -- well, let me ask you this:  
15                   Were you able to open the door to enter  
16 the building or did somebody open it for you?

17          A.     My son opened the door for me to get in.

18          Q.     When you and your son entered the building,  
19 did anyone approach you to figure out what you needed or  
20 who you needed to speak to?

21          A.     No. My son came in and he talked to the  
22 appropriate person and then in a few minutes the police  
23 officer appeared.

24          Q.     Let me ask you this:

1                   Before you entered the building, the  
2 dealership building, when you were walking from your car  
3 to the dealership, did you see any police officer?

4           A.     No.

5           Q.     You indicated that when you entered the  
6 building, your son spoke to the appropriate person.

7                   Do you know who he spoke to?

8           A.     No.

9           Q.     Can you describe who your son spoke to when  
10 you talked about the appropriate person, what he looked  
11 like?

12          A.     No. He went into a room like this one and I  
13 remained outside.

14          Q.     All right. When you entered the building, the  
15 dealership, and you indicated that your son spoke to the  
16 appropriate person, did you actually see your son speak  
17 to somebody before he went into another room?

18          A.     I saw that there was a person sitting there  
19 and my son came in and that was it.

20          Q.     When you say you saw somebody sitting there,  
21 are you saying that you saw somebody sitting in that  
22 room that your son went into?

23          A.     They were talking, the two of them.

24          Q.     Right, but the two people, your son and this

1 other person, when they were talking, were they in  
2 another room that you could see them in?

3 A. I'm sorry, what other person?

4 Q. You indicated that your son, when you entered  
5 the building, your son spoke to the appropriate person.

6 Do you recall that?

7 MR. HORWITZ: I need you guys to stop. There's a  
8 translation problem. She said (speaking Spanish). She  
9 did not say (speaking Spanish), so I just think that's  
10 creating a problem with what she said and then a problem  
11 with the concept.

12 And it's a slight difference and I think  
13 it's creating a problem with what's happening. But I  
14 would just -- I don't know what to do about it other  
15 than --

16 MS. LEWIS: What's the difference?

17 MR. HORWITZ: She said the person indicated and  
18 then in Spanish it's he spoke to the person that was  
19 indicated, okay, and then --

20 MS. LEWIS: As opposed to appropriate?

21 MR. HORWITZ: Appropriate. And there's just a  
22 slight difference.

23 And I don't know if -- it seems to me with  
24 your questioning and with what the case is about that

1       there's a difference, so I'm just saying it because  
2       that's what I am sensing so --

3           THE INTERPRETER: Just for the record. Interpreter  
4       speaking, the way I am interpreting the comment is when  
5       the person says the indicated person, in Spanish that is  
6       meant to be the appropriate person to perform the task  
7       of customer service.

8           MR. HORWITZ: It might be true.

9           THE INTERPRETER: The indicated person, I don't --  
10      other than being pointed to, I don't know what that  
11      would mean but I don't think that's the context.

12          MR. HORWITZ: I think -- right. I think what she's  
13      appreciating might be different so I'm just raising it.

14          THE INTERPRETER: And, counsel --

15          MR. HORWITZ: My client has confirmed.

16          THE INTERPRETER: Counsel is free to explore what  
17      she means by the appropriate person or indicated person.

18          MS. HARRINGTON: Okay. Let's start back again.

19      BY MS. HARRINGTON:

20          Q.     When you entered the building with your son,  
21      was there -- was your son directed to speak to somebody?

22          A.     Yes.

23          Q.     Who directed your son to go speak with  
24      somebody?

1 A. He was just told where the office was.

2 Q. Can you describe for me the person who told  
3 your son where the office was?

4 A. No.

5 Q. Can you tell me if the person who told your  
6 son where the office was was a man or a woman?

7 A. It was a man.

8 Q. Can you tell me if that man was white or black  
9 or Hispanic?

10 MRS. MAGALIA ROJAS: I don't know.

11 (Translated)

12 A. I don't know.

13 BY MS. HARRINGTON:

14 Q. Can you give me an approximation of the man's  
15 age who told your son where the office was?

16 A. No.

17 Q. When you and your son entered the building or  
18 the dealership, did you see any other people that you  
19 believed to be customers?

20 A. No, I don't notice those things. I don't  
21 really care.

22 Q. When you entered the building with your son,  
23 did you see people that you believed to be employees or  
24 people who worked at the dealership?

1 A. I only saw people and that's all I know.

2 Q. Other than yourself and your son, can you tell  
3 me how many people were in the building when you  
4 entered?

5 A. No.

6 Q. And when you entered the building and your son  
7 was told where the office was, did you see a police  
8 officer at that time?

9 A. No.

10 Q. You stated that your son went into an office  
11 and you stayed out.

12 Where did you stay?

13 A. Yeah, outside. I mean, not inside. I was  
14 outside. Outside is outside and inside is inside.

15 Q. But you were inside the dealership when your  
16 son went into that office; is that correct?

17 A. Yes.

18 Q. Were you -- were you in the showroom area when  
19 your son was in the office?

20 A. Yes, I was standing.

21 Q. Where were you standing?

22 A. I don't remember.

23 Q. Do you know --

24 MRS. MAGALIA ROJAS: I'm sorry, I forgot.

(Translated)

A. I'm sorry, but I forgot.

BY MS. HARRINGTON:

Q. Do you know if you were standing near any door to go in and out of the dealership?

A. I don't remember.

Q. Can you tell me then -- your son goes into this office, you are in the showroom or outside in the showroom area.

Can you tell me how you learned something was going on?

A. I never said that anything was going on. I said he went into an office.

Q. Right. But we filed a lawsuit that indicates something happened at the dealership, correct?

MRS. MAGALIA ROJAS: (Speaking in Spanish.)

MR. HORWITZ: Hold on. Ask another question. Just ask the question.

She filed a lawsuit because they talked to me, I'm an attorney, I file lawsuits when people identify these in this scenario of a federal civil rights violation and other things so let's just move on to another question.

MS. HARRINGTON: Can I just have an answer? Was

1       there a yes?

2               MR. HORWITZ: I'm going to instruct her not to  
3 answer the question. Move on.

4               MS. LEWIS: Actually you told the judge that you  
5 didn't talk to her before you filed the lawsuit but  
6 that's a different story.

7               MR. HORWITZ: Bring that up to the judge.

8               MS. LEWIS: I'm just saying what you said, correct  
9 what you just said, unless you lied to the judge.

10       BY MS. HARRINGTON:

11              Q.     What I want to know is did you become aware at  
12 some point that there was some sort of dispute between  
13 your son and somebody at the dealership while you were  
14 waiting in the showroom?

15              A.     No, I did not know anything.

16              Q.     How long did you wait in the showroom area for  
17 your son?

18              A.     I waited there for him to come out. I don't  
19 know exactly how long he took.

20              Q.     While you were waiting for Edwin to come out  
21 of the office, did you hear any conversations between  
22 Edwin and anyone with the dealership?

23              A.     No.

24              Q.     While you were waiting for your son Edwin and

1 he was in that office, did you see any person lock any  
2 doors to get in and out of the building?

3 A. I'm sorry?

4 (Whereupon, the record was read as  
5 follows: While you were waiting  
6 for your son Edwin and he was in  
7 that office, did you see any  
8 person lock any doors to get in  
9 and out of the building?)

10 A. When Edwin got out of the office, the police  
11 came next to him.

12 BY MS. HARRINGTON:

13 Q. But my question was --

14 MR. HORWITZ: Are you done? Did you finish your  
15 answer?

16 A. Yes. The police officer came.

17 MR. HORWITZ: Hold on.

18 MS. HARRINGTON: Blake.

19 MR. HORWITZ: Did you finish? Do you know what the  
20 question is?

21 A. The question was he came out and the police  
22 officer came. I don't understand.

23 MR. EDWIN ROJAS: Can we give her a break?

24 MR. HORWITZ: Yeah, give her a break.

1 MS. HARRINGTON: We have a question pending. I  
2 want an answer to the question pending. Then we can  
3 take a break.

4 A. No.

5 MR. HORWITZ: Okay. Good.

6 A. I saw -- I saw when -- but you're not  
7 understanding me, see.

8 My son was in the room talking to the  
9 gentleman. My son came with the person that he was  
10 talking with and then the police officer came.

11 When the police officer came, they locked  
12 the doors.

13 MR. HORWITZ: Is that the end of your answer?

14 A. Yes.

15 MR. HORWITZ: Okay. (Speaking Spanish to the  
16 witness.)

17 We're going to take a break.

18 (Whereupon, a brief recess  
19 was taken.)

20 MR. HORWITZ: My client has a very low level of  
21 education. It's hard for her to focus on these  
22 questions. It's very stressful for her to be here.

23 And I understand she has a responsibility  
24 to answer questions. I'm just making a record of what I

1       just said.

2                       So her low level of education makes it so  
3 her capacity to comprehend is much less than many people  
4 who litigate cases in this country.

5                       That's it.

6 BY MS. HARRINGTON:

7               Q.     When you were sitting in the showroom area and  
8 your son was in the room with the gentleman, was the  
9 door open or closed for that room your son was in?

10            A.     No, not until they came out, you know, the  
11 people came and then they closed it.

12            Q.     No. No. Okay. My question was different.

13                       Your son went into an office and you  
14 stayed in the showroom, correct?

15            A.     Yes.

16            Q.     And when your son went into that office with  
17 the gentleman, did that office have a door?

18            A.     Yes.

19            Q.     And when your son went into that office with  
20 the gentleman, did the -- was the door opened or closed  
21 when your son was inside it with the gentleman?

22            A.     That door was open. The one that closed up  
23 was the one that leads to the street.

24            Q.     When your son was in the office with the

1 gentleman, can you tell me how far away you were from  
2 that office?

3 A. I don't know any more. I was shaking, I was  
4 feeling, you know, desperate, my legs were shaking, my  
5 body was shaking so I don't remember.

6 Q. When your son was in the office with the  
7 gentleman, were you shaking?

8 A. When I saw the police officer that came near  
9 him.

10 Q. And you saw the police officer after your son  
11 came out of that office with the gentleman, correct?

12 A. When they came out together, the police  
13 officer came like from this side, the opposite side.  
14 Then they came and then they closed up the doors.

15 Q. Before your son and the gentleman walked out  
16 of the office, did you see a police officer in the  
17 showroom?

18 THE INTERPRETER: I'm sorry, can I have that again?

19 (Whereupon, the record was read as  
20 follows: Before your son and the  
21 gentleman walked out of the  
22 office, did you see a police  
23 officer in the showroom?)

24 A. No.

1 MR. HORWITZ: We are going over the same stuff. I  
2 understand that you want to get -- I understand you want  
3 to get the answers. I get it. I understand the issues  
4 with that.

5 But this should only go on for so much  
6 longer. It's not necessary. I get what you want. I  
7 understand the specificity of your desires for your  
8 questions and they're good questions but repetitive.

9 She has demonstrated her capacity to  
10 recollect. I have put a record on what's going on. I  
11 respect what your intentions are. I know who you  
12 represent. And I believe this should only go on for a  
13 bit longer.

14 MS. HARRINGTON: Blake, I'll just say this for the  
15 record, I understand what you're saying. The questions  
16 I am asking are not duplicative and, in fact, there's  
17 been confusion from the witness. Therefore, it needs to  
18 be clarified. And if I feel it needs to be clarified,  
19 I'm going to keep trying to create the time line because  
20 the time line in this case, as you know, is important  
21 and that's what I'm attempting to do.

22 I believe it's well within my rights to do  
23 that.

24 MR. HORWITZ: I think the degree of complication

1       attributable to your questions is what is the problem  
2       because when you ask a question like what was occurring  
3       when the door was closed and open and the distance and  
4       all that kind of stuff, you're just going to throw this  
5       witness off.

6               What happened next, breaking down --  
7       again, I understand for other witnesses, I do the same  
8       thing, I'm not questioning your intentions. I respect  
9       it.

10              But I'm just saying we're going to be here  
11       for hours and it's going to continue to be confusing and  
12       I don't think that it's going to land what you're  
13       seeking. And then it gets to a point of being too much.

14              So if we were at trial, whatever judge  
15       would say, okay, we have done this already, we've gone  
16       over and over and over again. The jury understands the  
17       level of confusion or not confusion and all that kind of  
18       stuff.

19              So I'm just gently making that request  
20       right now. That's all I want to say.

21              MS. HARRINGTON: I'm going to continue to do what I  
22       need to do and ask the questions that I need to ask like  
23       this is any other witness which is what I have to do as  
24       part of my job.

1 MR. HORWITZ: There will come a time where I will  
2 direct her to stop answering.

3 MS. HARRINGTON: That is your right and we can go  
4 back into court. And that's fine.

5 BY MS. HARRINGTON:

6 Q. When you saw your son Edwin and the gentleman  
7 come out of the office, could you hear what they were  
8 saying to one another?

9 MR. HORWITZ: What gentleman? Objection, vague and  
10 ambiguous, speculation.

11 A. No, I don't understand English.

12 BY MS. HARRINGTON:

13 Q. Can you describe the person who was in the  
14 office with Edwin?

15 A. No.

16 Q. You referred to the person who was in the  
17 office with Edwin as a gentleman.

18 Was it a man?

19 A. It was a man.

20 Q. Could you tell me the color of that man's  
21 hair?

22 A. No. I don't notice people.

23 Q. Could you tell me what that man who was in the  
24 office with Edwin was wearing?

1           A.     No.

2           Q.     Other than Edwin and this man, did you see  
3 anyone else go into that office with Edwin and that man?

4           A.     No.

5           Q.     You indicated that Edwin and this man came out  
6 of the office and a police officer approached them; is  
7 that right?

8           A.     He came from the other side.

9           Q.     He came from the other side of what?

10          A.     We were standing right here and the police  
11 officer came from over here.

12          Q.     When Edwin and this gentleman came out of the  
13 office, were you standing with them or where were you?

14          THE INTERPRETER:   Sorry, can I have that again.

15                               (Whereupon, the record was read as  
16 follows:   When Edwin and this  
17 gentleman came out of the office,  
18 were you standing with them or  
19 where were you?)

20          A.     Well, I was just -- I was standing around  
21 there but, you know, since I don't know what they were  
22 speaking.

23          BY MS. HARRINGTON:

24          Q.     And so you do not understand English; is that

1 correct?

2 A. I do not.

3 Q. When Edwin and this man came out of the  
4 office, was anyone speaking with raised voices?

5 A. Yeah. The gentleman that was talking to  
6 Edwin, yeah, he was speaking to him loudly.

7 Q. I understand you told me that you do not speak  
8 English or understand English.

9 Do you -- can you tell me anything that  
10 the police officer said in front of you?

11 A. The police officer came and he locked up the  
12 door and that was it.

13 Q. Who locked up the door?

14 A. The police officer and another person.

15 Q. How many doors were locked?

16 A. I don't know.

17 Q. How many doors did you see get locked?

18 A. The one that I was standing at.

19 Q. And the police officer locked the door in  
20 front of you?

21 A. Yes.

22 Q. How did he lock the door? What did he do?

23 A. With his hand.

24 Q. And how did he lock the door?

1           A.     My son was coming with the gentleman that he  
2     was talking to and then the police officer came and he  
3     spoke with my son, too, and then the police officer --  
4     the police officer came and I was standing near the  
5     door. Then the police officer came and he locked the  
6     door.

7                     And then I told my son, call the police,  
8     call the police.

9           MR. HORWITZ:   We're talking a break. I'll be right  
10    back shortly.

11                               (Whereupon, a brief recess  
12                               was taken.)

13          MR. HORWITZ:   Okay. I got to make a record.

14                     How are you doing?

15                     Magalia, how are you doing?

16          A.     Good.

17          MR. HORWITZ:   Are you nervous?

18          A.     I'm nervous, yes, but I would --

19          MR. HORWITZ:   Are you feeling okay enough to  
20    participate in the deposition?

21          A.     Yes.

22          MR. HORWITZ:   Okay. Let's go.

23    BY MS. HARRINGTON:

24          Q.     When we took a break, you were describing who

1 had locked the doors to leave the dealership.

2 Who did you see lock a door?

3 A. I didn't see anything.

4 Q. Okay. Are you telling me that you did not see  
5 any person lock a door at the dealership which prevented  
6 you from leaving the dealership?

7 A. I did not see who locked the door but the door  
8 was locked because I tried to open it.

9 Q. Understood. Just to clarify, I think before  
10 we took the break then, you did not see a police officer  
11 lock any door at the dealership; is that correct?

12 MS. LEWIS: I'm going to object to that question  
13 because it was asked and answered and she said she did  
14 see a police officer lock the door very clearly.

15 MR. HORWITZ: You don't like that?

16 So you can answer the question, okay.

17 MS. LEWIS: Go ahead, she can go ahead and answer.

18 A. I'm sorry, what did you say?

19 MS. HARRINGTON: Can you reread the question,  
20 please.

21 (Whereupon, the record was read as  
22 follows: Just to clarify, I  
23 think before we took the break  
24 then, you did not see a police

1 officer lock any door at the  
2 dealership; is that correct?)

3 MS. LEWIS: Same objection.

4 A. There were some people there but I did not see  
5 that they locked the door.

6 BY MS. HARRINGTON:

7 Q. But specifically my question was you did not  
8 see a police officer lock any door at the dealership,  
9 correct?

10 A. It was a man that locked it.

11 Q. So you did see a man lock the door then; is  
12 that right?

13 A. Yes.

14 Q. Can you tell me what that man who locked the  
15 door was wearing?

16 A. No.

17 Q. Was the man who locked the door wearing a  
18 police uniform?

19 A. No.

20 Q. Did somebody unlock the door?

21 A. Later on.

22 Q. Can you tell me how long the door was locked?

23 A. I did not see the time.

24 Q. Do you have an estimate of minutes of how long

1 the door was locked?

2 A. To be honest, I was going kind of crazy there.  
3 I was crying.

4 Q. Why were you -- you just described you were  
5 going crazy and crying.

6 Why were you going crazy and crying? What  
7 made you do that?

8 A. Because my son has never had any problems.  
9 For me that was kind of a problem. And it was like as  
10 if he was going to get killed.

11 MS. HARRINGTON: Can you repeat that answer?

12 (Whereupon, the record was read as  
13 follows: Because my son has  
14 never had any problems. For me  
15 that was kind of a problem. And  
16 "he was acting" (sic) like he was  
17 going to get killed.)

18 BY MS. HARRINGTON:

19 Q. How was your son acting that like he was going  
20 to get killed?

21 MR. HORWITZ: That's not what she said.

22 Making a clear record. That's not what  
23 she said. At least I don't think that's what she said,  
24 but anyways, go ahead.

1                   That's not what she said.

2           MS. HARRINGTON:   Okay.

3           MS. LEWIS:   I mean you're the certified  
4   interpreter, if that's how you interpreted it, that's  
5   how it is.

6           THE INTERPRETER:   Can I have that read back,  
7   please.

8           MR. HORWITZ:   I will do and say exactly what I will  
9   do and say.

10          MS. LEWIS:   I never said you couldn't.

11          MR. HORWITZ:   You don't declare any reality.

12          MS. LEWIS:   I never said you couldn't.   Chill.

13          MR. HORWITZ:   I observed something, I'm fluent in  
14   Spanish, I studied in Spain, I know how to speak it.

15                   Regardless, it's not what she said.   I'm  
16   here to make sure --

17          MS. LEWIS:   So says you.

18          MR. HORWITZ:   Don't interrupt me when I talk unless  
19   you need to and then you can finish.

20          MS. LEWIS:   I needed to.

21          MR. HORWITZ:   Then feel free to be done when you're  
22   done.   Go ahead and say what you like, the floor is  
23   open.

24                   Okay.   You're not talking.   So I'm going

1 to make sure there's a clear record and make sure that  
2 everything is said clearly and done clearly. That's an  
3 attorney's job pursuant to Rule 30 or 31, I keep  
4 forgetting the number for a dep in federal court.

5 THE INTERPRETER: You want to see if I -- the  
6 record is clear?

7 MR. HORWITZ: No. I said it. Don't worry about  
8 it. She'll do what she says.

9 THE INTERPRETER: I guess you can explore.

10 BY MS. HARRINGTON:

11 Q. How was your son acting that made you cry and  
12 be upset? What was happening?

13 A. I suffer from anxiety, nervousness, I have  
14 three illnesses from the nervous system.

15 Q. What illnesses?

16 A. I don't remember. The psychiatrist told me.

17 Q. My question for you, though, is you described  
18 that you were going crazy and crying.

19 Can you tell me what was happening that  
20 made you cry?

21 A. When I saw the police officer, you know, next  
22 to my son, I felt that the police officer was going to  
23 kill my son and that's why I got very nervous.

24 Q. When you saw the police officer near your son,

1       could you -- was there any conversation between the  
2       officer and your son?

3           A.     Yes, they spoke.

4           Q.     Was the police officer raising his voice?

5           A.     No.

6           Q.     Did the police officer draw his weapon?

7           A.     No.

8           Q.     Did the police officer take out his handcuffs?

9           A.     I'm afraid of police officers.

10          Q.     Did the police officer take out his handcuffs?

11          A.     No.

12          Q.     Why are you afraid of police officers?

13          A.     I don't know.

14          Q.     Were you afraid of police officers before you  
15       went to the dealership on January 23rd, 2016?

16          A.     Yeah, I'm generally afraid of police. You  
17       know, when I'm driving, you know, I have a license and  
18       everything, but, you know, when I'm driving in general,  
19       I'm afraid of police.

20          Q.     I understand that. I'm just -- I just want to  
21       know, were you afraid of police officers before you even  
22       went to the dealership on January 23rd?

23          A.     I was scared to death looking at the police  
24       officer near my son.

1 Q. That wasn't my question.

2 I want to know if you had a fear of police  
3 officers in general before you even went to that  
4 dealership on January 23rd, 2016.

5 A. No.

6 Q. Was there something that the police officer  
7 you saw at the dealership did that scared you?

8 A. Look, since I don't speak English, I did not  
9 know what was happening.

10 Q. I understand. You didn't understand what was  
11 being said between the police officer and your son.  
12 Correct?

13 Is that yes?

14 A. Yes.

15 Q. Did you see the police officer do anything  
16 that scared you?

17 A. I thought that the gentleman from the  
18 dealership, that he was going to put my son in jail or  
19 that the police officer was going to kill my son. All  
20 of that came to my mind.

21 Q. Did you see the police officer touch Edwin?

22 A. No.

23 Q. Did you see the -- any person -- let me strike  
24 that.

1 Did you see any person touch your son in  
2 the dealership?

3 A. No.

4 Q. Were you scared because a police officer was  
5 there?

6 A. Yes.

7 Q. Before January 23rd, 2016, did you have any  
8 bad experience with a police officer that made you  
9 afraid of them?

10 A. I never had any problems with police.

11 Q. Is there anything you can tell me that the  
12 officer did with his body that scared you?

13 A. No. I got nervous because I saw him there.

14 Q. Were you nervous because you saw a police  
15 officer and thought your son might be in trouble?

16 Hold on. You got to let him interpret.

17 THE INTERPRETER: Wait. Wait. I'm sorry, can I  
18 have that read again, please.

19 (Whereupon, the record was read as  
20 follows: Were you nervous  
21 because you saw a police officer  
22 and thought your son might be in  
23 trouble?)

24 A. Yes.

1 BY MS. HARRINGTON:

2 Q. After the man that you saw lock the door lock  
3 the door, can you tell me what happened in the  
4 dealership when the door was locked?

5 MR. HORWITZ: What do you mean by in the  
6 dealership? Like in the whole space called the  
7 dealership, what she saw, what she observed, what she  
8 heard?

9 MS. HARRINGTON: Where she was located.

10 MR. HORWITZ: Where her body was after the door was  
11 locked?

12 MS. HARRINGTON: What happened after the -- what  
13 she observed after the door was locked.

14 You want me to rephrase it if it's  
15 unclear? I can do that.

16 MR. HORWITZ: Yeah.

17 MS. HARRINGTON: I can do that.

18 BY MS. HARRINGTON:

19 Q. Ma'am, what I want to know is you told us a  
20 man locked the door.

21 After the door was locked, what happened  
22 in the dealership around you that you saw?

23 A. Around me was my son speaking on the phone,  
24 and then I also spoke on the phone and I was crying. My

1 husband -- and then my husband told me for me to calm  
2 down, that the police didn't have any reason to kill my  
3 son because he was not, you know, a criminal and that he  
4 was doing nothing wrong. That he was just actually  
5 claiming his rights.

6 Q. Did you call somebody?

7 A. Just my husband.

8 Q. And did you call your husband on your cell  
9 phone?

10 A. From my cell phone to his cell phone.

11 Q. And I think you indicated that Edwin was also  
12 on the phone at the same time; is that right?

13 A. Yes.

14 Q. Do you know who Edwin was on the phone with?

15 A. With the police. Oh, I don't know who he was  
16 talking to, to be honest.

17 Q. Okay. Can you tell me anything that Edwin  
18 said on the phone?

19 A. No, because he was not speaking Spanish.

20 Q. And when you were on the phone with your  
21 husband, do you know where your husband was?

22 A. Working.

23 Q. And your husband told you to calm down, that  
24 there's no reason for the police to kill your son and

1       that he had -- your son had done nothing wrong but  
2       assert his rights; is that right?

3               MR. HORWITZ: Hold on. You missed it a little bit.

4               That's not what she said. She said all he  
5       was doing was asserting his rights, and that's fine,  
6       something like that is what she said, but whatever.

7               MS. HARRINGTON: That's what I said.

8               MR. HORWITZ: It's close to what you said.

9               MS. HARRINGTON: Okay.

10              Can you reread the question?

11              (Whereupon, the record was read as  
12              follows: And your husband told  
13              you to calm down, that there's no  
14              reason for the police to kill  
15              your son and that he had -- your  
16              son had done nothing wrong but  
17              assert his rights; is that  
18              right?)

19              A. Yeah, to talk about the rights that he needed.

20       BY MS. HARRINGTON:

21              Q. Do you remember what you told your husband?

22              A. No.

23              Q. Did you speak to the -- well, let me ask you  
24       this:

1                   How many police officers did you see at  
2 the dealership?

3           A.     Just one.

4           Q.     Did you speak to the police officer at the  
5 dealership at all?

6           A.     I don't speak English.

7           Q.     Did you ask the police officer if he was a  
8 police officer?

9           A.     Yes.

10          Q.     When you -- after the door was unlocked, who  
11 opened -- who pushed open the door?

12          A.     He did -- I don't remember who was the one  
13 that opened it.

14          Q.     I think I need clarification because when you  
15 say he did, who do you mean he did?

16          A.     I don't know who it was.

17          Q.     And do you know who unlocked the door?

18          A.     No.

19          Q.     When the door was unlocked, what did you do?

20          A.     I don't remember.

21          Q.     Did you leave the building?

22          A.     Yeah. Of course we got out.

23          Q.     And once you walked out of the building, where  
24 did you go?

1           A.     To my house.

2           Q.     But before you left the dealership, did Edwin  
3 speak to the police officer outside of the dealership  
4 building?

5           A.     No. I don't remember.

6           Q.     Did you at any time see a police officer  
7 attempt to hand Edwin a piece of paper?

8           A.     No.

9           Q.     Were you able to walk out of the dealership on  
10 your own power, walk yourself?

11          A.     Yes.

12          Q.     Did your son Edwin ever raise his voice inside  
13 the dealership that you heard?

14          A.     No.

15          Q.     Once the door to the dealership was unlocked,  
16 did any person attempt to prevent you or your son from  
17 leaving the building?

18          A.     No.

19          Q.     When you walked outside of the building, did  
20 you walk directly to your car?

21          A.     Yes.

22          Q.     Did any person attempt to prevent you or your  
23 son from walking to your car?

24          A.     No. I did not notice.

1 Q. And then you were -- then who drove home or  
2 who drove the vehicle to leave the dealership?

3 A. He did.

4 Q. You pointed towards Edwin.

5 Did Edwin drive the car?

6 A. Edwin drove my car.

7 Q. And where did you guys go after you left the  
8 dealership?

9 A. Home.

10 Q. And when you arrived home, was anyone there?

11 A. No.

12 Q. Did you at any point contact Alex about the  
13 visit to the dealership?

14 A. No.

15 Q. Did you call Alex from the dealership to tell  
16 him that there was something going on there?

17 A. No, not at all, no.

18 Q. Was Alex living in your home on January 23rd,  
19 2016?

20 A. He came a day before to the house.

21 Q. What do you mean -- did he come for a visit  
22 the day before or was he living there?

23 A. No, he just came to -- he just came to visit.  
24 He was on my house only for about ten minutes.

1 Q. Were you ever present with Alex when he called  
2 the police station?

3 A. Alex never called the police station.

4 Q. Can your husband speak English?

5 A. No.

6 Q. And the cell number 630-890-9774, is that  
7 Alex's cell number?

8 A. I don't know Alex's number.

9 Q. Have you ever -- well, can you describe for me  
10 what the police officer looked like at the dealership?

11 A. Normal.

12 Q. Can you describe what he looked like?

13 A. I was not paying attention. I mean, I was  
14 crying. I mean, I wasn't paying attention to people.

15 Q. Did the police officer ever touch you?

16 A. No.

17 Q. Did -- other than potentially your son, did  
18 anyone while at the dealership touch your body?

19 A. No.

20 Q. When you went back home, what did you do?

21 A. No, I just went to the kitchen to do just  
22 about some, you know, just to do something.

23 Q. Before you went to the dealership, had you  
24 already had dinner?

1 A. I already had.

2 Q. Did you have any -- did you go out that  
3 evening?

4 A. No.

5 Q. Did you have anyone at your home that evening?

6 A. No. Nobody comes to my house. I am always  
7 home by myself or my grand kids when they come from  
8 school but nobody comes.

9 Q. After the dealership, did Edwin come back to  
10 your house?

11 A. To his house.

12 MR. HORWITZ: We're going to take a break.

13 MS. HARRINGTON: Okay.

14 MS. LEWIS: Can I make a suggestion, I'm going to  
15 make a suggestion because I have to leave about quarter  
16 to 3:00, that maybe we just do liability today and  
17 finish damages another day.

18 MR. HORWITZ: I don't know if I'm willing to  
19 acknowledge taking her back. It's very difficult to get  
20 her here.

21 So I hear that you got to leave, but I  
22 don't know what to say about that.

23 MS. LEWIS: What I would say is that you made us  
24 wait for an hour and you have now taken like three or

1 four breaks, so --

2 MR. HORWITZ: I hear you. I don't know what to  
3 tell you. I understand what you're saying. But I'm not  
4 sure that's an --

5 MS. LEWIS: So you won't agree?

6 MR. HORWITZ: Right.

7 MS. LEWIS: Bottom line.

8 (Whereupon, a brief recess  
9 was taken.)

10 MR. HORWITZ: I'm going to ask her some questions  
11 before we begin.

12 How are you doing?

13 A. I'm not doing well.

14 MR. HORWITZ: How do you feel?

15 A. I have a knot in my stomach and I feel like I  
16 want to vomit. And I'm feeling like I want to run away.  
17 And I feel here, I feel very anxious, very nervous.

18 MR. HORWITZ: How long have you been feeling that  
19 way in the deposition today?

20 A. Since I started talking I felt it.

21 MR. HORWITZ: Is it hard for you to talk about  
22 this?

23 A. Very difficult. Never been in a place like  
24 this.

1 MR. HORWITZ: Let's continue on with the  
2 deposition.

3 MS. HARRINGTON: Is the purpose of that for the  
4 record that we aren't to continue or what is the  
5 purpose, Blake?

6 MR. HORWITZ: I'm trying to be as clear as I can  
7 about everything I have said since I ever started  
8 talking about her in court and --

9 MS. HARRINGTON: Here's the deal, Blake, if she's  
10 going to testify at trial she needs to give her  
11 deposition, so --

12 MR. HORWITZ: I'm not saying she doesn't so did you  
13 want to speak to me more about this with her present or  
14 with her not present?

15 MS. HARRINGTON: You keep putting stuff on the  
16 record and it's -- I don't understand the purpose of it.  
17 But we'll move on.

18 MR. HORWITZ: Have her leave the room.

19 MS. HARRINGTON: I'm ready to proceed.

20 MS. LEWIS: No, no, no, let's just.

21 MS. HARRINGTON: We don't need to stop. Let's go.

22 MR. HORWITZ: Just about two, three minutes.

23  
24 (The witness and Mr. Edwin Rojas

1 left the conference room.)

2 MS. LEWIS: I'm sorry, but you're making it worse.  
3 I hate to say it. She was fine until you started  
4 talking and getting her all in a tizzy and telling her  
5 to leave.

6 MR. HORWITZ: Are you done?

7 MS. LEWIS: This is -- I just don't -- I'm not used  
8 to this at all.

9 MR. HORWITZ: Okay.

10 MS. LEWIS: I just am not. It's not a normal way  
11 of practicing law.

12 MR. HORWITZ: Great.

13 MS. LEWIS: It's so sad that we're wasting our  
14 times here.

15 MR. HORWITZ: I'm happy to hear those kind of  
16 comments on the record.

17 So finish what you need to say.

18 MS. LEWIS: Blake, I think that -- I would think  
19 that a judge -- I have nothing more to say.

20 I'm ready to go with her deposition.  
21 Bring her back in instead of eating an apple. Let's go.

22 MR. HORWITZ: So I don't want you talking about my  
23 client and that we need to go forward and she needs to  
24 be produced for a deposition when she just told you the

1 level of anxiety she's experiencing.

2 I made a record. We all know why I made  
3 the record.

4 MS. HARRINGTON: No, actually I don't know why  
5 we're doing this every time.

6 MR. HORWITZ: The way to -- okay. Well, I'm not  
7 going to educate you about why. So if you don't know  
8 why --

9 MS. LEWIS: I don't know why either.

10 MR. HORWITZ: It's all pretty obvious.

11 MS. HARRINGTON: Because you don't think what  
12 you're doing is increasing her anxiety level?

13 MR. HORWITZ: I think I'm being honest and  
14 providing --

15 MS. HARRINGTON: If you wanted to do something  
16 productive, you don't come in here and have her do that.  
17 You come in here and you tell us she's about ready to  
18 vomit.

19 And you know what, Blake, the suggestion  
20 was already provided. We could break this up into  
21 two-hour increments or something like that.

22 That is not an unreasonable thing to do  
23 for somebody who has an anxiety issue. And if that's  
24 what is going to make it easier on her, I'm happy to do

1       that.

2                       But my point is, if she's going to  
3       testify, which you have indicated, we do need to do it.  
4       So if we need to do it in a different way than what we  
5       would do normally with witnesses and breaking it up over  
6       time, I'm happy to do that.

7                       I don't want to make her vomit. I have no  
8       desire to make her vomit.

9               MR. HORWITZ: My concern is that when you talk  
10      about a person who just articulated what she's feeling  
11      and it was obviously very difficult for her to say and  
12      you say -- and you then say, her deposition has to be  
13      taken, Blake, what are you doing, and this translator is  
14      translating that, you are increasing more anxiety.

15                      What I am doing is providing the state of  
16      mind of the witness in a dep so that it's clear for the  
17      record, period, plain and simple. That's it. That's  
18      all I'm doing. Let me just finish. I have no other  
19      intention. And then we just move on.

20                      I don't want you to say anything that is  
21      more anxiety provoking for her which is why I'm having  
22      her leave and saying this without her present.

23                      I'm just trying to do the best I can for  
24      her. I have said it over and over again on the record

1 and the court, I have told you guys a bunch about this,  
2 I'm just doing my best, I am her advocate 100 percent  
3 and I'm trying to see if she can get through this  
4 experience and what she had happen to her was pretty  
5 nasty, in my humble point of view, in terms of what  
6 transpired over there. She's doing her best to get  
7 through and that's it. It's hard for her. So that's  
8 it. I got nothing more to say about it.

9 I just would ask that we don't talk about  
10 her in the third person about her condition needing to  
11 go forward -- whether we need to go forward anyways  
12 because she brings a lawsuit and all this kind of stuff.

13 So she may not be able to continue forward  
14 so we'll see. So I had her identify how she's feeling  
15 because that's the honest truth about what's going on.  
16 It's not for the purpose of her suffering more because  
17 she's saying -- she's suffering anyways but she wasn't  
18 able to identify it and speak about it, so I'll be back.

19 MS. HARRINGTON: My offer is on the table.

20 MR. HORWITZ: What's that?

21 MS. HARRINGTON: That if it's easier for her to do  
22 this in sections, I'm happy to do that.

23 MR. HORWITZ: Okay.

24 MS. LEWIS: You can bring her in here and ask her

1       that on the record if you want.

2           MR. HORWITZ: I'm not going to ask her something  
3       like that. Right now I think she's -- may not be doing  
4       too well. So I'm going to see how she's doing and we'll  
5       take it from there, okay.

6           MS. LEWIS: Okay.

7           MS. HARRINGTON: Okay.

8                               (Whereupon, a brief recess  
9                               was taken.)

10                           EXAMINATION

11                           BY

12                           MS. LEWIS:

13               Q.     Mrs. Rojas, my name is Jill Lewis. I'm going  
14       to be asking you a few questions, okay?

15               A.     That's fine.

16               Q.     Okay. What is Edwin's date of birth?

17               A.     March 7th. I don't remember the year.

18               Q.     What is Evelyn's date of birth?

19               MR. HORWITZ: We can provide you the names and  
20       dates of birth. I would ask that you move on to  
21       relevant testimony. I'll secure the information and  
22       tender it to you so we don't have to waste time doing  
23       this with this witness. I'll get you the information.  
24       Can we agree? As my client is sitting here crying and

1       trying to make sure she is able to answer questions.

2                     Can you agree, counsel, that that's how it  
3 will be done? I'll provide you the names and dates of  
4 birth. Can you agree to that or no?

5       MS. LEWIS: No.

6       MR. HORWITZ: Okay. I'm instructing her not to  
7 answer the question.

8                     You go do what you want to do. I'm going  
9 to provide you the information, as she's sitting here  
10 crying, I'm going to provide you the information. You  
11 do what you want to do.

12                    Ask the next question, please.

13       MS. LEWIS: I'm sorry, for the record, she got  
14 upset when you started talking.

15       BY MS. LEWIS:

16                    Q. Mrs. Rojas, if you would prefer to come back  
17 on another day --

18       MR. HORWITZ: Excuse me, don't instruct my  
19 client --

20       MS. LEWIS: -- and finish this deposition, I want  
21 you to know I'm fine with that and Mrs. Harrington is  
22 fine with that.

23       MR. HORWITZ: Please ask the next question. Don't  
24 instruct my client about what she's going to do with

1 regard to the deposition.

2 MS. LEWIS: Please interpret.

3 THE INTERPRETER: Interpreter speaking, I can't  
4 interpret when two people are talking, especially when  
5 counsel is instructing that we shouldn't have her answer  
6 so I don't quite know what to do.

7 MR. HORWITZ: I'm going to instruct -- I'm asking  
8 you to not interpret that. It is harassing to her.

9 She's going to do her best right now --  
10 she's going to do her best right now to proceed forward  
11 and not come back because coming back would be with  
12 great difficulty.

13 So what I'm asking you to do is ask a  
14 question. If you do not want to ask a question, then  
15 we're done.

16 Don't instruct my client what to do  
17 relative to the deposition. That is --

18 MS. LEWIS: I'm not instructing her at all.

19 MR. HORWITZ: That is what I will do.

20 MS. LEWIS: I'm not instructing her at all. I am  
21 merely telling her -- I want her to know --

22 MR. HORWITZ: If you want to ask another  
23 question --

24 MS. LEWIS: -- if she wants to come back --

1 MR. HORWITZ: If you don't ask another question,  
2 we're gone.

3 MS. LEWIS: -- I am fine with that.

4 MR. HORWITZ: If you don't ask another question,  
5 we're gone.

6 MS. LEWIS: I want you to interpret that and tell  
7 her that.

8 MR. HORWITZ: Please don't do that. Please leave  
9 it alone.

10 Next question.

11 I'll ask her to leave the room. We can  
12 talk all you want to about having --

13 MS. LEWIS: Why won't you let me tell her that?

14 MR. HORWITZ: All right, can you please have her  
15 leave the room.

16 MS. LEWIS: Do not. Stop. Stop. This is  
17 outrageous.

18 MR. HORWITZ: Ask another question.

19 MS. LEWIS: I have never had an attorney tell me  
20 what I can and cannot ask. It's crazy. And I'm like  
21 this close to just stopping and taking the whole thing  
22 in front of the judge.

23 MR. HORWITZ: Ask another question.

24 MS. LEWIS: And saying, Judge, can we do this at

1       your office?

2               MR. HORWITZ: You got ten more seconds or we're  
3 gone so I'll leave it to you.

4               MS. LEWIS: Ten more seconds to do what?

5               MR. HORWITZ: To ask a question. Don't instruct me  
6 what to do. Ask a question.

7 BY MS. LEWIS:

8               Q. What is Alex's date of birth?

9               A. May 31.

10              Q. What year was he born?

11              A. In '84.

12              Q. Thank you.

13                       Do you still have a car?

14              A. Yes.

15              Q. Is it the same car you had back in January?

16              A. Yes.

17              Q. And do you drive that car on a weekly basis?

18              A. I almost don't use it.

19              Q. Do you do the grocery shopping for your  
20 family?

21              A. My husband takes me to do the grocery  
22 shopping.

23              Q. And do you cook for your family?

24              A. Yes, I do.

1 Q. And do you clean the house?

2 A. At times.

3 Q. Do you have a cleaning lady?

4 A. Sometimes my daughter helps me.

5 Q. Okay. Now, does Alex have any children?

6 A. No.

7 Q. Does Evelyn have any children?

8 A. Yes.

9 Q. How many children?

10 A. Two.

11 Q. How old are they?

12 A. 12 and 8.

13 Q. And do you babysit those two children, your  
14 grandchildren?

15 A. Those children go to school.

16 Q. Do you ever babysit them?

17 A. They stay at home for a short period of time,  
18 their parents pick them up. They come and then the  
19 parents pick them up.

20 Q. When you were going to X Motorsport -- and  
21 when I say X Motorsport, do you know what I'm talking  
22 about?

23 A. No.

24 Q. Okay. Do you know -- you know that you filed

1 a lawsuit, right?

2 A. A lawsuit?

3 Q. Yes.

4 A. I'm sorry, for what?

5 Q. Do you know that you are a plaintiff in this  
6 lawsuit that we're here for today?

7 A. Yes.

8 Q. And this is not your first lawsuit, correct?

9 A. I'm sorry, it's not my what?

10 Q. At some point in time you worked at a place  
11 called Pampered Chef?

12 A. But I never had any lawsuits at Pampered Chef.

13 Q. You worked at Pampered Chef?

14 A. Yes, I did.

15 Q. And did you get hurt at Pampered Chef and  
16 filed what's called a workers' compensation claim?

17 A. They just paid me for the time that I was off  
18 during the surgery.

19 Q. Okay. And you were involved in -- do you know  
20 what a class action is?

21 A. The -- for what?

22 Q. Where many people sued somebody. Were you  
23 involved in a lawsuit where many people sued somebody?

24 A. Not that I am aware of.

1 Q. Okay. In 2005, you don't remember filing a  
2 lawsuit with other people?

3 A. No.

4 Q. Okay. What is your highest level of  
5 education?

6 A. I didn't finish primary school.

7 Q. Okay. How many grades did you go?

8 A. To third grade in primary school.

9 Q. Was that in Mexico?

10 A. Yes.

11 Q. What did you do at Pampered Chef?

12 MR. HORWITZ: I'll allow these questions to  
13 continue on for a short period of time and then I'm  
14 going to instruct the witness not to answer is because  
15 it's counsel's intention to harass the witness.

16 What she did many years ago is irrelevant  
17 to this lawsuit. We're not claiming lost wages or  
18 anything of that nature. And I think your intention  
19 after me explaining to you quite clearly that my client  
20 is suffering from anxiety is designed to harass her.

21 Based upon the rules relative to  
22 harassment, I will instruct her not to answer and I'm  
23 going to see if the judge is available to have a  
24 conversation about it.

1 So choose what you want to do.

2 MS. LEWIS: Not that I need to explain my  
3 questions, however, you're the one who said she has a  
4 limited education and I'm trying to figure out how much  
5 she is capable of knowing and not. And I think her job  
6 would be slightly relevant. If you don't agree, that's  
7 fine.

8 MR. HORWITZ: As I said, I'll give you a couple --  
9 I'll give you a little latitude and that's it.

10 MS. LEWIS: Shut up. Shut up.

11 MR. HORWITZ: Let the record reflect counsel --

12 MS. LEWIS: Let the record reflect counsel is  
13 telling counsel to shut up. Yes, I am. There you go.

14 MR. HORWITZ: On three occasions defense counsel  
15 just told me to shut up. She's interrupting me while  
16 I'm talking. I have already indicated on the record my  
17 client's state.

18 One more time, one more issue, I'll be --  
19 I'm seeking a protective order before the court.

20 MS. LEWIS: Ahhh.

21 MR. HORWITZ: Carry on.

22 MS. LEWIS: I think I might need some Lorazepam.  
23 Do you have any extra?

24 MR. HORWITZ: You just asked my client if she has

1 Lorazepam. She's leaving. So she's going to leave and  
2 we're going to call the Court and advise the Court that  
3 you just asked my client if she has any extra Lorazepam.

4 MS. LEWIS: Okay.

5 MR. HORWITZ: You told me to shut up three times.

6 MS. LEWIS: Yes.

7 MR. HORWITZ: So you're going to have a seat --  
8 (speaking to the witness in Spanish) and we're going to  
9 call the judge now. So we'll get him on the phone.

10 (The witness and Mr. Edwin Rojas  
11 left the conference room.)

12 MR. HORWITZ: I'm getting the judge on the phone.  
13 I asked my client to wait for a little bit.

14 MS. LEWIS: All righty. I shall be soon trying to  
15 get my partner involved in this case because it's not  
16 worth it to me --

17 MR. HORWITZ: We want you to.

18 MS. LEWIS: -- dealing with someone like you. It's  
19 just horrendous. I find this to be the most horrific  
20 thing I have to deal with and I don't need to.

21 MR. HORWITZ: I don't want to get you in a back and  
22 forth.

23 MS. LEWIS: I can talk whatever I want to say,  
24 okay. You just need to shut your big fucking mouth.

1 MR. HORWITZ: Are we on the record? I'm leaving  
2 the room after counsel just swore at me.

3 (Whereupon, a brief recess  
4 was taken.)

5 MR. HORWITZ: Let's go on the record.

6 Counsel, I'm willing to give you 15 more  
7 minutes of questions. If you don't want to do it,  
8 that's fine.

9 I tried to get a judge's clerk on the  
10 record, advised as to what you did. Judge's clerk  
11 recommended I terminate the deposition and present the  
12 transcript that is there.

13 So I'm just sitting here trying to look at  
14 how these things play out and they're not favorable so  
15 I'm willing to give you 15 minutes. I'm willing to let  
16 you finish with questions you have.

17 My strongest instinct is to terminate the  
18 deposition and seek a protective order and not allow you  
19 to proceed.

20 And I cannot tell you how -- just trying  
21 to be as honest with you as I can about with my client's  
22 feelings, you saw how she's feeling. Your tone of voice  
23 is a bit assertive as if it's on cross-examination  
24 during a trial, which I would not do in this room. At

1 trial you need to do what you need to do but I would not  
2 do it here.

3 And I respect your right to take a  
4 deposition, ask tough questions, but this is just not  
5 one of those moments in time and you have to -- I  
6 believe you need to take into consideration a person's  
7 state of mind.

8 So that's what I'm willing to do. I'm  
9 willing to give you 15 minutes, I don't care how you --  
10 you can deal with it. Counsel, I'm going to let you  
11 finish. If you want to ask crossover questions that  
12 would be helpful with her, that's fine, but other than  
13 that, I just -- I got --

14 MS. HARRINGTON: What do you mean by crossover?

15 MR. HORWITZ: Questions that might help cocounsel  
16 in finishing to develop her theories to the best you  
17 can, I guess.

18 But I just -- in the face of that, I have  
19 to protect my client.

20 So did you want to go forward 15 minutes  
21 or did you want to stop now?

22 MS. LEWIS: Yes, I'll go forward 15 minutes.

23 And I will just say, for the record, I do  
24 feel like I was being very respectful of the witness. I

1 think I was talking very nicely to her, asking very nice  
2 questions in a very nice tone, and it wasn't until you  
3 interjected that I got upset, and I apologize profusely,  
4 Blake.

5 MR. HORWITZ: I recommend you apologize to her.

6 MS. LEWIS: As I will.

7 (Whereupon, the witness and  
8 Mr. Edwin Rojas re-entered the  
9 conference room.)

10 MS. LEWIS: Mrs. Rojas, let me just, please, from  
11 the bottom of the heart, my heart, I apologize to you if  
12 I offended you in any way whatsoever. I hope you will  
13 accept my apology.

14 A. The reality is that I'm feeling harassed by  
15 you.

16 MS. LEWIS: I do not want you to feel like that at  
17 all. Honestly. Because we're all just here trying to  
18 do, you know, what we can and I so apologize if I made  
19 you feel like that.

20 MR. HORWITZ: Let's go.

21 A. That's fine. You may continue.

22 MR. HORWITZ: On the record, we have got 15  
23 minutes. Let's go another 15 minutes more, we'll stop  
24 at 3:00 for counsel.

1 BY MS. LEWIS:

2 Q. When you arrived at the car dealership with  
3 your son Edwin, we know that there was one man that  
4 indicated to Edwin to go into the office, correct?

5 A. Yes.

6 Q. And then we know there was another man who  
7 went into the office with Edwin, correct?

8 A. That I don't remember any more.

9 Q. Okay. There was a gentleman in the office  
10 with Edwin?

11 A. Yes. Yes, there was.

12 Q. Was that gentleman different from the  
13 gentleman who indicated to go into the office?

14 A. No. He just asked where the office was and  
15 then they told him where the office was.

16 Q. So we know that there were at least two  
17 gentlemen in the dealership at that point, correct?

18 A. I don't know.

19 Q. Okay. Did you see any women in the dealership  
20 that evening?

21 A. There was a lady sitting behind a counter.

22 Q. Okay. That appeared to be an employee of the  
23 car dealership?

24 A. I just saw her sitting there.

1 Q. Okay. While you were waiting in the showroom,  
2 were there other people in the showroom?

3 A. I didn't pay that much attention.

4 Q. Okay. Now, I know you said that some man  
5 locked the door?

6 A. Yes.

7 Q. But you're not sure who that man is; is that  
8 correct?

9 A. Yes.

10 Q. Do you know how many doors are in the  
11 dealership?

12 A. No.

13 Q. The door that was locked, was that the same  
14 door that you came in?

15 A. There was a door to the side and then there  
16 was the one we came in through.

17 Q. Okay. The door to the side, was that the door  
18 that was locked?

19 A. They both were locked.

20 Q. Okay. So did you try to leave through both  
21 the front and the side doors?

22 A. I walked to the two of them, he was taking me  
23 because, you know, he saw me.

24 Q. Okay. So your son tried to open the doors?

1           A.     He tried to open the doors because he was very  
2 nervous because he saw that I was doing really bad.

3           Q.     And the doors would not open?

4           A.     No.

5           Q.     Which door did you see locked, get locked, the  
6 side door or the front door?

7           A.     The one that I saw that was locked was the one  
8 that we came in through.

9           Q.     Okay. Was that the front or the side?

10          A.     I don't know if it was the side door or the  
11 front door.

12          Q.     Okay. Before the doors were locked, did you  
13 hear anyone say anything to the person who locked the  
14 doors?

15          A.     I didn't pay attention. I was just standing  
16 like that.

17          Q.     Did you hear anybody talk, you know, saying  
18 lock the door or, you know, anything like that?

19          A.     No, I did not hear anything because everything  
20 was in English.

21          Q.     Okay. Did the police officer and the man who  
22 was in the office with your son Edwin, did it appear  
23 that anyone was in an argument?

24          A.     No, there was no argument. They just wouldn't

1 let us out.

2 Q. Do you know why they wouldn't let you out?

3 A. I never learned anything.

4 Q. The people that were in the showroom, do you  
5 know if any of them were customers?

6 A. I don't know.

7 Q. You don't know if they were customers or  
8 employees, no idea?

9 A. Like I said, I just came and I was standing  
10 and just like that. I did not move or anything. I just  
11 saw him, then he came out with the gentleman and I saw  
12 the police officer and then that's when I saw that they  
13 locked the doors.

14 And then I said, you know, they locked the  
15 doors and then I said they're going to kill my son.  
16 That's why I kind of went crazy, kind of cooed me out.

17 Q. Did you see anyone block the doors with their  
18 body?

19 A. No.

20 Q. I know you said that you've never had any  
21 experiences with police before that evening, but do you  
22 know any family members or friends who had had negative  
23 experiences with police?

24 A. No, not that I am aware of, no.

1           Q.     Did you ever drive in the vehicle that your  
2     son Edwin purchased from the dealer?

3           A.     No, Edwin and I do not see each other. He has  
4     his house, he works. I am alone in my house and it's my  
5     husband and I and that's it. My sons' lives, I don't  
6     have anything to do with it.

7           Q.     So you never drove or rode in the vehicle?

8           A.     No.

9           Q.     Do you know anything about any mechanical  
10    problems?

11          A.     Like I said, they never say anything to me.

12          Q.     Do you know any mechanic that your husband may  
13    know, you know, a mechanic friend of your husband's?

14          A.     I don't know.

15          Q.     Is your husband a car mechanic?

16          A.     No.

17          Q.     Does Alex know any car mechanics, if you know?

18          A.     No.

19          MS. LEWIS: Okay. I don't have any further  
20    questions.

21                   And just for the record, it's almost 3:00  
22    o'clock and I am going to be leaving because I have  
23    other plans, so good luck.  
24

1 CONTI NUED EXAMI NATION

2 BY

3 MS. HARRINGTON:

4 Q. Ma'am, earlier you indicated that you saw a  
5 man lock the door at the dealership, correct?

6 A. Yes.

7 Q. Did you see the police officer direct that man  
8 in any way to lock the door?

9 A. I did not notice.

10 MS. LEWIS: Pardon me, before you ask your next  
11 one, court reporter, when this is done, can you please  
12 give me a copy if someone orders it.

13 And I'll take a mini and also that time  
14 thing that you were talking about, okay.

15 Thank you.

16 BY MS. HARRINGTON:

17 Q. Now, ma'am, did you see the police officer  
18 direct anybody to prevent you or your son from leaving  
19 the dealership?

20 A. I did not notice.

21 Q. Did you know that your son had called 911 when  
22 you were at the dealership?

23 MR. HORWITZ: She's already answered that a number  
24 of times.

1 MS. HARRINGTON: Different question.

2 A. Yes.

3 BY MS. HARRINGTON:

4 Q. Do you know if your son called anyone else  
5 while at the dealership other than 911?

6 A. No.

7 Q. I understand you do not speak English,  
8 correct?

9 A. Yes. That is correct.

10 Q. Did you ever hear the police officer use a  
11 phrase like, to your son, like "you're under arrest"?

12 A. No, I did not hear.

13 Q. Did you ever call the Villa Park Police  
14 Department after you were at the dealership?

15 A. No.

16 Q. You told us that you were upset and crying at  
17 the dealership.

18 When you left the dealership, were you  
19 able to calm down?

20 A. Yeah, I have some pills that the doctor gave  
21 me for me to take when I'm feeling like this, you know,  
22 feel like I want to run away. I took it and then I  
23 started to calm down.

24 Q. Okay. So when you went home after the

1       dealershi p, you were able to take some of your  
2       medi cati on?

3           A.     Yes.

4           Q.     Do you know what the name of that medi cati on  
5       was?

6           A.     No.

7           Q.     But once you took the medi cati on, that was  
8       able to help you calm down?

9           A.     Yes.

10          Q.     And that evening at your home, can you tell me  
11       what you did during the evening?

12          A.     Yeah, when I was at home, I was trying to walk  
13       around in the living room to try to -- for me to relax.

14          Q.     Were you able to find something to help you  
15       relax?

16          A.     Yes, with the medi cati on and my wal king, I  
17       relaxed a bi t.

18          Q.     Okay. Then that evening, the rest of the  
19       evening did you watch TV, what did you do?

20          A.     I took the rest of the pills and I went to  
21       sleep.

22          Q.     Were you able to sleep that night?

23          A.     I take medi cati on to sleep, so yeah, I slept.

24          Q.     Okay. The medi cati on to sleep, is that

1 different than what you took when you came home from the  
2 dealership?

3 A. They are all different.

4 Q. Do you know what kind of medication you took  
5 in order to go to sleep that night?

6 A. I don't know what it is called. I normally  
7 take it when I'm not able to sleep.

8 Q. Is it medication, though, prescribed by a  
9 physician or something you can get from the store?

10 A. The psychiatrist gives them to me.

11 Q. You were at the dealership on January 23rd,  
12 2016.

13 Do you remember what you did on  
14 January 24th, 2016?

15 A. No.

16 Q. For instance, I think you were at the  
17 dealership on a Saturday. That following week starting  
18 Monday, were you able to take part in your normal  
19 activities?

20 A. Yeah, I was in bad shape for about three days.  
21 And then I had to go to the psychiatrist to, you know,  
22 make a consultation with him as to what had happened.

23 Q. So you were in bad shape following this  
24 incident for about three days; is that correct?

1           A.     For about three days, yes.

2           Q.     Can you explain to me what you mean by that,  
3     though? What do you mean that you were in bad shape?

4           A.     I had anxiety, I wanted to vomit, I wanted to  
5     run away, cry and cry and cry. I was looking out the  
6     window, I was looking everywhere, and I would walk  
7     around and then I would walk some more.

8           Q.     After three days, were you able then to see  
9     your psychiatrist?

10          A.     Yes. I went to see him to, you know, mention  
11     to him the incident that had occurred.

12          Q.     Did going to your psychiatrist help you feel  
13     better?

14          A.     He spoke to me. He told me to take my  
15     medication for me to try to control myself and for me to  
16     relax.

17          Q.     Did you see your psychiatrist more than once  
18     because of this incident at the dealership?

19          A.     No. I see him every month.

20          Q.     So you see your psychiatrist every month?

21          A.     I see my psychiatrist every month.

22          Q.     What's the name of your psychiatrist?

23          A.     His name is Walter Piedmonte.

24          Q.     Do you know where your psychiatrist's office

1 is located?

2 MR. HORWITZ: Stop. Stop. What's the purpose for  
3 this inquiry?

4 MS. HARRINGTON: She just said that she went to her  
5 psychiatrist because of the visit to the dealership and  
6 discussed the incident with her psychiatrist.

7 MR. HORWITZ: So what's the purpose of the inquiry?

8 MS. HARRINGTON: Well, I believe she's discussed  
9 the incident with him and that I believe I'm entitled to  
10 know who he is and I think I'm entitled to get his  
11 records.

12 MR. HORWITZ: So I will provide you his information  
13 if the Court orders it. I'm not going to allow her to  
14 answer the question and --

15 MS. HARRINGTON: Where he's located, that question?

16 MR. HORWITZ: Yes. And, again, we're only claiming  
17 garden variety emotional distress which, in my opinion,  
18 precludes the area of inquiry that you are seeking.

19 And that being the case, then I would  
20 assert a privilege, that being the right of privacy  
21 attributable to answering any more questions concerning  
22 this.

23 MS. HARRINGTON: Okay, I just have one more  
24 question and I know you're going to assert the same

1 objection, so I'll ask it and then you can put it on the  
2 record. All right?

3 MR. HORWITZ: Yeah.

4 BY MS. HARRINGTON:

5 Q. Ma'am, can you tell me when you went to your  
6 psychiatrist what you told your psychiatrist about the  
7 incident at the dealership?

8 MR. HORWITZ: I think that's okay.

9 A. I told the psychiatrist how I was feeling and  
10 he asked me why because I wasn't supposed to come to see  
11 him that day. And then I talked to him about the  
12 incident.

13 BY MS. HARRINGTON:

14 Q. What specifically did you tell your  
15 psychiatrist about the incident?

16 MR. HORWITZ: Please don't guess. Make sure you're  
17 telling not based on guessing but what you remember.

18 A. I don't remember.

19 BY MS. HARRINGTON:

20 Q. Do you remember what your psychiatrist told  
21 you after you told him about the incident?

22 MR. HORWITZ: I think that's going beyond, so don't  
23 answer.

24 I think that's going beyond the garden

1 variety emotional distress claim.

2 MS. HARRINGTON: Are you directing her not to  
3 answer?

4 MR. HORWITZ: Yes.

5 MS. HARRINGTON: Yes. Okay. Then I didn't do it  
6 the last one, if we just show the last two objections  
7 then, the directions not to answer, as being certified?

8 MR. HORWITZ: Yeah.

9 MS. HARRINGTON: Okay.

10 MR. HORWITZ: I don't think you need to do that in  
11 federal court but that's okay.

12 MS. HARRINGTON: I think I'm preserving my record  
13 to bring it forth for a ruling on it is my point.

14 MR. HORWITZ: My question to you is what is the  
15 purpose of your line of inquiry?

16 Is your purpose to know what her pain and  
17 suffering is because we're not claiming psychiatric  
18 claim and the visit to her psychiatrist and what she  
19 complained to him about. We're not claiming that.

20 We're not claiming increase or decrease in  
21 medication associated with the incident. We're not  
22 claiming that.

23 So is it for the purpose of damages?

24 MS. HARRINGTON: Well, it's for purpose of damages

1 and it's also for the purpose of what was actually  
2 relayed in a statement by a plaintiff about the incident  
3 itself --

4 MR. HORWITZ: So --

5 MS. HARRINGTON: -- which presumably would be in  
6 the records.

7 MR. HORWITZ: So I am okay with you asking her what  
8 she told him. I'm not okay with you asking her what he  
9 told her.

10 What she told him would be admission by a  
11 party opponent, so I think that's okay. It's also an  
12 exception to the hearsay rule, but going beyond that it  
13 would seem that we're treading into the psychiatric  
14 injury case which we're not claiming. I think that's a  
15 rationale way of handling it.

16 MS. HARRINGTON: I'm not fighting with you on what  
17 your objections are. I think we're just preserving the  
18 record.

19 But with that said, if what she said to  
20 the physician arguably is admission by a party opponent,  
21 I think I'm entitled to get those records to determine  
22 what is notated as to what she said.

23 That's why I was asking for the location  
24 of his office.

1 MR. HORWITZ: I understand. So let's deal with the  
2 issue about getting the records off the record and then  
3 we'll deal with that issue in a discussion.

4 MS. HARRINGTON: That's fine.

5 BY MS. HARRINGTON:

6 Q. Ma'am, I was going to ask you some questions  
7 and I don't want to upset you because counsel advised me  
8 last night that you were visited at your home, was it  
9 yesterday with somebody attempting to serve papers?

10 A. Yes, it was last night.

11 Q. Okay. Can you tell me approximately what time  
12 somebody arrived at your home?

13 A. I didn't see the time. I heard them ring the  
14 bell.

15 Q. Did you open the door?

16 A. No. I don't open the door to anyone.

17 Q. Did anyone speak to whoever rang the doorbell?

18 THE INTERPRETER: I'm sorry.

19 (Whereupon, the record was read as  
20 follows: Did anyone speak to  
21 whoever rang the doorbell?)

22 A. No. Not that I'm aware of.

23 BY MS. HARRINGTON:

24 Q. Can you tell me how many people did you see

1       come up to your door?

2           A.     You cannot see because I'm up above and the  
3 windows were covered by snow so you couldn't see. I  
4 just heard the bell but I ignored it.

5           Q.     How did you know that it was somebody  
6 attempting to serve papers at your house?

7           A.     Because my grandson told me later because he  
8 said he, you know, he looked out and he saw a gentleman  
9 that had some papers.

10          Q.     Do you know, was that gentleman who came to  
11 the door, do you know if that person was in a uniform?

12          A.     I don't know.

13          Q.     Do you know if that person arrived in a police  
14 squad car?

15          A.     I don't know.

16          Q.     I think you indicated that your grandson saw  
17 the person come up to the door; is that right?

18          A.     Yeah, but they are children. They were  
19 playing and then they said there was a gentleman there  
20 with a paper at the door.

21          Q.     Did your grandson tell you if he spoke to the  
22 gentleman at the door?

23          A.     No, he doesn't open the door to anyone.

24          Q.     Do you have any idea what the paper was in the

gentleman's hand?

A. I did not know anything.

Q. I mean, did you have any information that this paper that the gentleman had had anything to do with your husband's deposition?

A. I did not know anything.

Q. I'm just checking my notes. I think I'm just about done. Okay, ma'am.

A. That's very good.

Q. I'm sure.

Ma'am, did the police officer at the dealership prevent you from leaving the dealership?

A. No.

MS. HARRINGTON: Those are all the questions that I have.

MR. HORWITZ: Okay. I'm going to talk a little bit, make sure she's good and then I'm going to continue on, okay.

(Whereupon, a discussion was  
had off the record.)

EXAMINATION

BY

MR. HORWITZ:

Q. Ready?

1 A. Yes.

2 Q. Okay. A question was asked to you if Alex  
3 called the police. Okay.

4 Do you know if Alex called the police?

5 A. Yes.

6 Q. Okay. You know that he did at some time?

7 A. Yes.

8 Q. Is it accurate that you were not scared of the  
9 police officer himself but you were scared that the  
10 doors were locked and a police officer was present and  
11 then you became aware of the officer; is that correct?

12 A. Yes.

13 Q. For example, when the police officer first  
14 entered the -- strike that.

15 When you first saw the police officer at  
16 the car dealership, you were not afraid of the officer;  
17 is that correct?

18 A. Yeah, no, I was not afraid of the police  
19 officer, not until I saw that he was with my son.

20 Q. You mean with your son and the doors being  
21 locked?

22 MS. HARRINGTON: Object as to leading.

23 BY MR. HORWITZ:

24 Q. Was there an answer?

1 THE INTERPRETER: Did you get that answer?

2 THE COURT REPORTER: No, I didn't.

3 A. Yes.

4 BY MR. HORWITZ:

5 Q. You were asked questions about time, the time  
6 you picked your son up from the train. Do you remember  
7 that, those questions today?

8 A. Yes.

9 Q. Okay. Right now are you experiencing a lot of  
10 anxiety?

11 A. Yes.

12 Q. Okay. I'm going to be as brief as I can.

13 When you were asked about the time you  
14 picked up your son from the train, were you guessing?

15 A. Yes.

16 Q. Do you know if you picked him up at -- in the  
17 evening or in the afternoon?

18 A. I don't remember. It was, you know, 6:30 or  
19 7:00.

20 Q. Are you guessing as to the time?

21 A. No.

22 Q. You're patting your chest right now.

23 Are you feeling some pressure on your  
24 chest?

1           A.     Yeah.   Right now I'm going directly to the  
2   hospi tal .

3           MR. HORWITZ:   That's all I have.

4           MS. HARRINGTON:   I have nothing further.

5           THE COURT REPORTER:   Signature, Blake?

6           MR. HORWITZ:   Reserved.

7  
8                           FURTHER DEPONENT SAITH NOT.  
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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

EDWIN ROJAS, )  
Plaintiff, )  
vs. ) No. 16-cv-02982  
X MOTORSPORT, INC., OFFICER )  
BANASZEWSKI #333, UNKNOWN )  
VILLA PARK POLICE OFFICERS and )  
THE VILLAGE OF VILLA PARK, )  
Defendants. )

I hereby certify that I have read the foregoing transcript of my deposition given at the time and place aforesaid, consisting of Pages 1 to 103, inclusive, and I do subscribe and make oath that the same is a true, correct and complete transcript of my deposition so given as aforesaid, and includes changes, if any, so made by me.

\_\_\_\_\_ Correction Sheet(s) Attached

\_\_\_\_\_  
MAGALIA ROJAS

SUBSCRIBED AND SWORN TO  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, AD, 2016.

\_\_\_\_\_  
Notary Public

## ERRATA SHEET

I hereby make the following changes to my deposition:

PAGE    LINE

\_\_\_\_\_ CHANGE: \_\_\_\_\_

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MAGALIA ROJAS

DATE

Correction Sheet Page \_\_\_\_\_ of \_\_\_\_\_

1 STATE OF ILLINOIS )

) SS:

2 COUNTY OF MC HENRY )

3 I, Michael R. Urbanski, a notary public in and  
4 for the County of McHenry and State of Illinois, do  
5 hereby certify that MAGALIA ROJAS was first duly sworn  
6 to testify the whole truth, and that the above  
7 deposition was recorded stenographically by me and was  
8 reduced to computerized transcript under my personal  
9 direction.

10  
11 I further certify that the said deposition was  
12 examined and read over by said deponent and was signed  
13 by her and that the said deposition constitutes a true  
14 record of the testimony given by the said witness.

15  
16 I further certify that the said deposition was  
17 taken at the time and place specified and that the  
18 taking of said deposition commenced on the 20th day of  
19 December 2016, and was completed the same day.

20  
21 I further certify that I am not a relative or  
22 employee or attorney or counsel of any of the parties,  
23 or a relative or employee of such attorney or counsel,  
24 or financially interested directly or indirectly in

1        thi s acti on.

2  
3                In wi tness whereof, I have hereunto set my hand  
4        and affixed my seal of office, at Chi cago, Illi noi s,  
5        thi s \_\_\_\_\_ day of \_\_\_\_\_ 2016.

6  
7  
8  
9                \_\_\_\_\_  
10              Notary Publ ic, McHenry County, Illi noi s

1                                    URBANSKI REPORTING COMPANY  
2                                    460 Lake Avenue  
3                                    Crystal Lake, Illinois 60014  
4                                    (815) 356-6140

5                    December 27, 2016

6                    THE BLAKE HORWITZ LAW FIRM, LTD.

7                    MR. BLAKE HORWITZ

8                    111 West Washington Street

9                    Suite 1611

10                  Chicago, Illinois 60602

11                  Dear Mr. Horwitz:

12                  Re: Rojas v. X Motorsport

13                          Deposition of Magalia Rojas

14                    It is our understanding that you will arrange for the  
15                    review of the above-entitled transcript by the witness.  
16                    Accordingly, we are enclosing errata sheets and the  
17                    original signature page with your copy of the  
18                    deposition transcript.

19                    Please note that Amended Rule 207(a) of the Illinois  
20                    Supreme Court provides that depositions may be used  
21                    fully as if signed if they remain unsigned for more  
22                    than 28 days after having been made available to the  
23                    deponent. We, therefore, would appreciate your  
24                    handling this matter within the 28-day limit.  
25                    Please return the executed signature page and errata  
26                    sheets, if any, to the above address.

27                    Sincerely,

28                    URBANSKI REPORTING COMPANY

29                    Michael R. Urbanski

30                    enclosures: Transcript, signature page, errata  
31                    sheet(s)

32                    ccs: Attorneys of Record

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